

City Council
Atlanta, Georgia

08-0-1270

AN ORDINANCE
BY: ZONING COMMITTEE

Z-08-45
Date Filed: 6-10-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **777, 767, 793 and 833 Memorial Drive, S.E and 810 Old Flat Shoals Road, S.E.**, be changed from I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 21, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey/map.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT A

DESCRIPTION OF THE PROPERTY

777 Memorial Drive S.E., Atlanta, GA
767/793/833 Memorial Drive, Atlanta, GA
810-Old Shoal Flats Rd., Atlanta, GA

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 20 and 21 of the 44th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a nail set at the southeasterly intersection of the southerly right-of-way of Memorial Drive (a variable width right-of-way) with the easterly right-of-way of Pearl Street (a 40-foot right-of-way); thence run with the southerly right-of-way of Memorial Drive and the curvature thereof having an arc of a 2179.66-foot radius curve an arc distance of 175.11 feet, said arc being subtended by a chord having a bearing of North 88 degrees 30 minutes 31 seconds East a chord distance of 175.06 feet to a 1/4-inch rod found; thence run with the southerly right-of-way of Memorial Drive, South 89 degrees 28 minutes 34 seconds East a distance of 137.34 feet to a 1/2-inch rebar found; thence, leaving said southerly right-of-way of Memorial Drive and run South 01 degree 06 minutes 31 seconds West a distance of 182.21 feet to a 1/2-inch rebar found; thence run South 88 degrees 36 minutes 19 seconds East a distance of 148.33 feet to a 1/2-inch rebar set at a wall on line; thence run North 01 degree 37 minutes 10 seconds East a distance of 164.49 feet to a 1/4-inch rebar found on the southerly right-of-way line of Memorial Drive; thence along the southerly right-of-way line of Memorial Drive, South 89 degrees 28 minutes 34 seconds East a distance of 199.96 feet to a nail set on said southerly right-of-way line of Memorial Drive; thence leaving said southerly right-of-way line of Memorial Drive and run South 01 degree 26 minutes 08 seconds West a distance of 424.36 feet to a 1/2-inch rebar set on the northwesterly right-of-way line of Old Flat Shoals Road (Eka Kafb Avenue) (a 50-foot right-of-way); thence run along said northwesterly right-of-way line of Old Flat Shoals Road, South 56 degrees 09 minutes 48 seconds West a distance of 498.97 feet to a point; thence run along the northwesterly right-of-way line of Old Flat Shoals Road and the curvature thereof having an arc of a 5179.05-foot radius curve an arc distance of 293.44 feet, said arc being subtended by a chord having a bearing of South 57 degrees 44 minutes 01 second West a chord distance of 293.40 feet to a 1/2-inch rebar set at the intersection of the easterly right-of-way of Pearl Street and the northwesterly right-of-way of Old Flat Shoals Road; thence run along said easterly right-of-way of Pearl Street and run North 00 degrees 43 minutes 43 seconds East a distance of 858.67 feet to the Point of Beginning.

LESS AND EXCEPT from Tract A of the above described property that portion of the property conveyed by that certain Right of Way Deed from Fulton Bay & Cotton Mills, a corporation to Atlanta and West Point Railroad Company, a corporation, dated May 26, 1948, filed for record May 28, 1948 at 10:23 a.m., recorded in Deed Book 2216, Page 362, Records of Fulton County, Georgia.

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